

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

February 21-25, 2000

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-22	EX	74/244,421	Duststop Filters, Inc.	Seeherman* Quinn Hairston	2(d)	Refusal Affirmed (as to both cited registrations)		"DUSTSTOP FILTERS" [air filters for heating, air conditioning and ventilating equipment, namely, disposable filters, washable filters, pleated filters, and replaceable pad framed filters]	"DUST STOP" (<i>in two different stylized forms</i>) [air filters in the form of adhesive-coated porous or fibrous materials; supporting frames for air filters arranged in tiers]	Cordova	No
2-22	EX	75/344,926	National Express Ltd.	Cissel Wendel* Holtzman	2(e)(1)	Refusal Affirmed		"NATIONAL EXPRESS" [transportation of passengers by bus; travel agency services, namely, making reservations and bookings for transportation; catering services provided on board buses and at bus stations; travel agency services, namely, making reservations and bookings for temporary lodging]		Taylor	No
2-22	EX	75/201,174	Fulton Performance Products, Inc.	Quinn Hohein* Bucher	2(e)(1); requirement for more specific identification of goods	Refusal Affirmed (on both grounds)		"LUG LATCH" [attachment sold as a component of an anti-theft lock for vehicle wheels to prevent movement of the vehicle]		J. McMorrow	No
2-22	EX	75/103,676	Bissell Inc.	Seeherman* Hohein Holtzman	2(d)	Refusal Reversed		"STEAM MATE" [electrical cleaning devices, namely, carpet and upholstery cleaning extractors and vacuum cleaners]	"STEAMATIC" [carpet and rug cleaning service; portable machine for steam cleaning carpets, rugs, upholstery and coverings]; <i>and other cited marks</i>	Cataldo	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 21-25, 2000 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-22	EX	75/222,218	Save Venice New York, Inc.	Quinn Hohein Bucher*	2(e)(3)	Refusal Affirmed		"THE VENICE COLLECTION – SAVE VENICE INC." (and winged lion design) [potpourri, sachets; tableware and carving knives; electric lighting fixtures for residential use, lamps, lamp shades; clocks, serving platters of precious metal, napkin rings of precious metal, ashtrays of precious metal; art prints and reproductions, paper napkins, paper and plastic place mats, etc.; residential furniture; bakeware, cookware, dinnerware, etc.; bed sheets, towels, textile place mats, etc.]		Krehely	Yes
2-23	EX	75/203,077	Media Group	Seeherman Chapman* Holtzman	2(e)(1)	Refusal Affirmed		"LOCATOR" [electronic monitors, comprising radio frequency transmitters and receivers for ascertaining and monitoring the whereabouts of an individual whose movements are restricted to a prescribed geographical area]		Stine	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 21-25, 2000 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-23	OPP OPP	103,629 103,635	Tequila Cuervo La Rojena S.A. de C.V. v. Cointreau Corp.	Simms Cissel Quinn*	2(a) [deceptive] and 2(e)(1) [deceptively mis- descriptive] (as to "liqueurs"); 2(e)(1) [merely descriptive] or, alternatively, 2(a) [deceptive] and 2(e)(1) [deceptively mis- descriptive] (as to "prepared alcoholic cocktails")	Opposition Sustained (in both cases)		"THE ORIGINAL MARGARITA" and "THE ORIGINAL MARGARITA ONLY WITH COINTREAU" (and design) [both marks for liqueurs and prepared alcoholic cocktails for consumption on the premises]			No
2-23	EX	75/351,364	PRL USA Holdings, Inc.	Quinn* Rogers McLeod	2(d)	Refusal Affirmed		"CARBONITE" [pants, shorts, jackets, coats, woven shirts, t-shirts, knit shirts, sweaters, sweatshirts, blouses, skirts, dresses, hats, footwear, socks, hosiery and gloves]	"CARBONITE" [golf clubs, golf club shafts, fishing rods, and tennis rackets]	Stoides	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

February 21-25, 2000 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-24	EX	75/223,870	Charmay, Inc.	Simms* Quinn McLeod	2(e)(1)	Refusal Affirmed		"THE RESTORATION INSTITUTE" [educational services, namely, conducting conferences regarding innovation and technological advances in the field of building restoration for insurance and property management professionals]		Powers	No
2-24	OPP	108,618	Pelican Products, Inc. v. 21 st Century Hard Armor Protection, Inc.	Seeherman* Chapman Rogers	2(d)	Opposition Dismissed	"MITYLITE" [flashlights]	"MIGHTY-LITE" [bullet-proof vests, collars, and groin protectors which are worn by humans]			No
2-24	EX	75/204,740	Lamb-Weston, Inc.	Seeherman* Hohein Bottorff	Section 6 disclaimer requirement (of the words NATURAL CUT FRIES)	Refusal Affirmed		"STEALTH NATURAL CUT FRIES" [frozen potatoes]		Givens	Yes
2-25	EX	74/636,162	Super Stud Building Products, Inc.	Simms Seeherman* Holtzman	2(d); Section 6 disclaimer requirement (of words SUPER STUD); whether applicant has made trademark use of its mark	Refusal Affirmed (on all three grounds of refusal)		"SUPER STUD" (in stylized lettering) [metal structural framing, namely, studs, etc.]	"SUPER STUD" [structural beam for concrete form assemblies]	C. Smith	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 21-25, 2000 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-25	EX	75/178,461	Hartford Life Ins. Co.	Hohein* Wendel Rogers	2(d)	Refusal Affirmed		"ARTISAN" [life insurance underwriting services]	"ARTISAN" [investment advisory services, securities brokerage services and mutual fund brokerage, distribution and investment services]	Pappas	No
2-25	EX	75/344,061	Michael P. Cohen	Simms Quinn* Hohein	2(d)	Refusal Affirmed		"SIMPLY EAR-RESISTIBLE" (in stylized lettering) [jewelry]	"IRRESISTIBLES" [jewelry]	Matthews	No
2-25	EX	75/286,831	Warnaco, Inc.	Quinn Chapman* Wendel	2(d)	Refusal Affirmed		"BRIGHT IDEA!" [women's intimate apparel and figure enhancing and body shaping garments]	"BRIGHT IDEAS 'FOR YOU' INC." [boxer shorts, t-shirts, sweat shirts, and tank tops]	Baird	No
2-25	OPP	108,695	Johnson & Johnson v. Amy Quirk, Frank T. Meyer and Eric A. Weiss	Hairston Walters Wendel*	2(d); whether use of applicant's mark is unlawful under 18 U.S.C. §706 [unlawful use of the Greek red cross]	Opposition Sustained (on Section 2(d) grounds only)	red cross design [medicinal and surgical plasters; first aid kits; etc.]; "RED CROSS" [cotton for personal use; sterile cotton for medical use]	design mark incorporating a cross and other matter [first aid kits]			No
2-25	EX	74/657,328	Ralph Mantia, Inc.	Quinn Hairston* Walters	whether the specimens of record are acceptable evidence of service mark use	Refusal Reversed		"ZÊ DESIGN" (and design) [commercial art design services]		Baxley	Yes

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member